

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

JENNIFER VANDERSTOK *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official  
capacity as Attorney General of the United  
States *et al.*,

Defendants.

Case No. 4:22-cv-00691-O

**DEFENDANTS' UNOPPOSED MOTION TO DEFER  
CONSIDERATION OF INTERVENTION MOTIONS**

As directed by the Court, the parties are in the midst of summary judgment briefing in this case. Despite the advanced stage of proceedings, two non-parties have moved to intervene in this case, and one seeks expedited briefing of its motion to intervene. See Notan LLC d/b/a JSD Supply's Motion to Intervene (ECF No. 149); Polymer80, Inc.'s Motion to Intervene (ECF No. 157); Polymer80, Inc.'s Motion for Expedited Briefing Scheduling (ECF No. 160).<sup>1</sup>

The Court retains discretion to control the disposition of motions on its docket. Briefing and consideration of these motions to intervene now will disrupt the parties' summary judgment briefing. The parties negotiated a summary judgment briefing schedule based on the expectation that they would not be simultaneously responding to other substantive filings in this case, and all Plaintiffs (with the exception of Defense Distributed and Second Amendment Foundation) and Defendants oppose the pending intervention motions. The parties therefore respectfully request that the Court defer

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<sup>1</sup> The addition of Polymer80 to this case would expand the issues in dispute because Polymer80 challenges not only the Rule challenged in this case, but also an open letter issued by ATF in December 2022. *See* ECF No. 157 at 1-2.

briefing and consideration of the pending intervention motions until after the parties have completed their summary judgment briefing in this case. A proposed order accompanies this motion.<sup>2</sup>

DATED: January 17, 2023

Respectfully submitted,

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Director, Federal Programs Branch

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/s/ Daniel Riess  
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<sup>2</sup> In the event that this motion were to be denied, Defendants may consider requesting an extension of the summary judgment briefing schedule; however, all Plaintiffs have indicated that in that event, they would be opposed to such a request by Defendants

**CERTIFICATE OF CONFERENCE**

I certify that I have conferred with Plaintiffs' counsel to obtain their position on this motion. Both the original plaintiffs (Jennifer VanDerStok; Michael G. Andren; Tactical Machining, LLC; and Firearms Policy Coalition, Inc.) and intervenor-plaintiffs (BlackHawk Manufacturing Group, Inc.; Defense Distributed; and Second Amendment Foundation, Inc.) stated that they do not oppose deferral of briefing and consideration of the pending intervention motions until after the parties have completed their summary judgment briefing in this case.

/s/ Daniel Riess

**CERTIFICATE OF SERVICE**

On January 17, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Daniel Riess